

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

Allen J. Huguely)
Plaintiff)
)
v)
)
General Motors, LLC)
)
Defendant)

ROY, SHECTER & VOCHT, P.C.
Lynn H. Shecter (MI-P24845)
Michelle E. Vocht (MI-P32924)
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COMPLAINT WITH JURY DEMAND

Plaintiff, represented by his attorneys, Lynn H. Shecter and Michelle E. Vocht,
complains:

1. Pursuant to 42 U.S.C. § 1981, this lawsuit challenges the failure to transfer Plaintiff Allen J. Huguely, who is African-American, in disregard of his superior seniority, to available plant openings in Dayton Ohio, near his home, in favor of two white people of lesser seniority, who were transferred instead. At the time of his application and denial, Plaintiff was employed at General Motors, LLC.'s GM Powertrain & Fabrications plant located at 1455 West Alexis Road, Toledo, OH 43612.

2. Defendant General Motors LLC [GM] is headquartered in Detroit, Michigan and is doing business in Ohio. The events complained of occurred in the Northern District of Ohio where Plaintiff submitted his application and it was denied.

3. Pursuant to 42 U.S.C. §1981, intentional race discrimination on account of race is prohibited. For purposes of this section, the term “make and enforce contracts” includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship. The rights protected by this section are protected against impairment by non-governmental discrimination and impairment under color of State law.

4. Huguely is an African-American, and he relied on the GM to apply the contract between the parties in a non-discriminatory fashion.

5. On or about December 2, 2015, Defendant sent Plaintiff a letter advising him that he was eligible for a special transfer opportunity to open jobs closer to his home and community as provided for in the Memorandum of Understanding dated–Special Transfer Process, dated October 25, 2015. Applications had to be submitted by October 14, 2015.

6. Plaintiff was compelled to live in Toledo and to commute to his and his family’s permanent home which was in Dayton, Ohio. This presented a severe hardship to Plaintiff and his family.

6. Plaintiff, who had 39 years of seniority in 2015, began his employment in 1976 at predecessor GM’s Dayton Ohio plant. This was Plaintiff’s home plant.

7. In 2005 or 2006, Defendant transferred Plaintiff to Defendant’s predecessor’s

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Indianapolis plant.

8. In 2009 or 2010, Defendant transferred Plaintiff to its Toledo Ohio plant.

9. On December 11, 2015, Plaintiff applied to be transferred to an available position at Defendant's Cincinnati plant relying on his eligibility to do so.

10. Without his consent, Defendant altered his application to misidentify his home plant as Indianapolis even though his home plant was and is Dayton.

11. Defendant rejected Plaintiff's application in favor of two White employees who had less seniority than he and who are now pulling parts in Cincinnati.

COUNT I--VIOLATION OF 42 § U.S.C. 1981

12. Plaintiff incorporates the Common Allegations as if set forth in full.

13. Plaintiff was denied the transfer opportunity to which he was entitled primarily because of his race.

14. Plaintiff was denied the transfer opportunity in favor of two White employees with less seniority primarily because of his race.

15. Plaintiff was damaged because he was compelled to remain separated from his family in order to work much to his hardship and distress.

REQUEST FOR RELIEF

Plaintiff requests actual and punitive damages incurred, as well as costs, interest and attorney fees. Plaintiff further requests that this Court enforce Defendant's duty to Plaintiff and transfer Plaintiff to Cincinnati Ohio, and if necessary, create a position for him.

JURY DEMAND

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Plaintiff asks for a jury for those claims so triable.

ROY, SHECTER & VOCHT, P.C.

/s/Michelle E. Vocht
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